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EXAMINER	
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ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/991,025	OZER ET AL.	
	Examiner	Art Unit	
	Michael Van Handel	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26 and 32-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26, 32-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08). Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 1/18/2007. Claims **1-26, 32-44** are pending. Claims **1, 21** are amended. Claims **27-31** are canceled.

Response to Arguments

1. Applicant's arguments regarding claims **1, 13,** and **21,** filed 1/18/2007, have been considered, but are moot in view of the new ground(s) of rejection.

Claim Objections

1. Claims **21-26, 32-44** are objected to because of the following informalities:

Referring to claim **21,** the examiner notes that the phrase "the target data" lacks antecedent basis. Although the claim previously recites a "target viewer," the examiner fails to find a previous recitation of "target data." The examiner recommends that the phrase be changed to "target data," and addresses the claim in the Office Action below as though the recommended changes have been made.

Claims **22-26, 32-44** are objected to as being dependent on claim 21.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1, 3-13, 17-26, 32-38, 41,** and **44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carruthers et al. in view of Zigmond et al. and further in view of Bates et al.

Referring to claims **1** and **13**, Carruthers et al. discloses at a server computing system that is at least intermittently connected to a receiver computing system in a network, wherein the receiver computing system includes a receiver module that is at least intermittently connected to the network and, at least one processor, wherein the receiver computing system is configured to display advertisements associated with an advertising campaign on a display device, a method for scheduling the advertising campaign to achieve an advertising impression goal, the method comprising:

- a step for the server computing system receiving historical data at a planning module, the historical data representing a number and a type of a plurality of advertising impressions of advertisements viewed by one or more target viewers (p. 2, paragraph 22);
- a step for retrieving existing campaign data representing the number of the plurality of advertising impressions of the advertisements scheduled for future display to the one or more target viewers (p. 2, paragraph 23); and

- a step for combining the historical data and the existing campaign data to generate a schedule of available advertising inventory, the schedule usable by an advertiser to reserve advertising inventory of the available advertising inventory for the advertising campaign so that the advertising impression goal for the advertising campaign is achieved within the timeframe and among the one or more target viewers selected by the advertiser (p. 2, paragraphs 24-26)(p. 3, paragraphs 27-35)(Figs. 1-3).

Carruthers et al. does not disclose that the server computing system receives the historical data in response to a receiver computing system performing the following steps:

- receiving advertising content and corresponding metadata at a receiver module of the receiver computing system, wherein the metadata comprises target information, a weight assigned to the advertising content, a time or times when the advertising content should be selected for display, advertising type indicating the advertising content is one of committed or flexible and further indicating whether a weight is absolute or relative, and geographic location in which the advertising content should be displayed;
- then, even when the receiver computing system is disconnected from the server computing system, selecting the advertising content for display by the receiver module based at least upon the metadata that was received when the receiver computing system was intermittently connected to the server computing system, the selection of content being based at least in part on metadata indicating proper geographic location and time for particular advertising content to be

displayed and a weight, the weight being specified by the metadata as one of absolute or relative;

- displaying the advertising content on a display device connected to the receive computing system;
- the receiver computing system storing one or more records of historic advertising display data at the receiver module corresponding to advertisements that are selected by the receiver module for display and that are displayed by the receiver computing system; and
- the receiver computing system transmitting over the network to a control module at the server computing system the one or more records of advertising display data stored on the receiver module.

Zigmond et al. discloses periodically delivering a plurality of advertisements (p. 14, l. 19-22 & Fig. 5) with advertisement selection criteria indicating that an advertisement is to be shown during a particular program (p. 17, l. 5-6 & p. 18, l. 3-13), selecting a stored advertisement according to the selection criteria, displaying the advertisement (p. 24, l. 29-31 & p. 25, l. 1-5), monitoring the viewer response to the advertisement (p. 25, l. 6-8), compiling the viewer response statistics, and reporting the statistics to the operator of the advertisement source (p. 19, l. 14-15 & p. 25, l. 12-16). Zigmond et al. further discloses collecting viewer and system information for characterizing a user including the geographical location of the household, demographic information, and viewing habits, such as times of day that programming is watched by the viewers (p. 14, l. 27-30; p. 15, l. 8-18, 30-31; & p. 16, l. 1-10). Ad selection rules are used to match the viewer and system information with the advertisement parameters associated

with advertisements (p. 16, l. 11-28 & p. 17, l. 15-21). Zigmond et al. still further discloses that ad selection criteria can be based on a guaranteed number of exposures that advertisers have paid for (p. 21, l. 5-6). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Carruthers et al. to include targeting and inserting locally stored advertisements during particular programs and transmitting statistics about which advertisements have been seen to an operator of an advertising source, such as that taught by Zigmond et al. in order to provide a system for tailoring advertisements to the interests and needs of viewers and inserting the advertisements at a more local level (Zigmond et al. p. 5, l. 6-12). The combination of Carruthers et al. and Zigmond et al. further teaches prioritizing a master list of advertisements for display (Carruthers et al. p. 3, paragraph 34) and displaying filler impressions when the user is not eligible for any active campaigns (Carruthers et al. p. 5, paragraph 75). The combination of Carruthers et al. and Zigmond et al. still further teaches reordering or reprioritizing the master list of scheduled advertisements in order to meet the goal of a campaign (p. 3, paragraph 35). The combination of Carruthers et al. and Zigmond et al. does not specifically teach that the received advertising content have corresponding metadata comprising a weight assigned to the advertising content and advertising type indicating the advertising content is one of committed or flexible and further indicating whether a weight is absolute or relative.

Bates et al. discloses storing particular commercial advertisements for substitution back into a video data stream in place of an alternate commercial advertisement in order to ensure that a particular commercial advertisement is viewed by a user (col. 5, l. 14-23). Commercial advertisements, which may be stored and moved within the video data stream, are referred to as

"bumpable" advertisements (col. 5, l. 23-29). Additionally, advertisements are created, which are not "bumpable" and which may not be stored and subsequently reintroduced into the video data stream (col. 5, l. 29-32). Bates et al. further provides an example of four advertisers (Pizza (P), Circus (C), Jeweler (J), and Beer (B) that are interested in purchasing commercial advertisements during a video program. The Pizza advertiser purchases a "non-bumpable" commercial advertisement and the rest buy "bumpable" commercial advertisements (col. 5, l. 39-67 & col. 6, l. 1-67). Bates et al. further discloses providing a higher priced "non-bumpable" commercial advertisement category, which "bumps" all other commercial advertisements once those "bumpable" commercial advertisements have been viewed some predetermined number of times (col. 6, l. 55-59). Since this advertisement category "bumps" all other commercial advertisements, the examiner interprets this type of advertisement as having an assigned absolute weight. Bates et al. further discloses a low cost "bumpable" commercial advertisement category that could be "bumped" by any commercial advertisement once it has been viewed at least once (col. 6, l. 60-63), and a higher priced "bumpable" commercial advertisement category having a higher priority of selection for available slots in the event multiple "bumpable" commercial advertisements have not been seen (col. 6, l. 63-67). Since this type of "bumpable" advertisement would be selected for display based on its assigned priority of selection, the examiner interprets this type of advertisement as having an assigned relative weight. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the advertisement parameters of the locally stored advertisements in the combination of Carruthers et al. and Zigmond et al. to include an indication of whether the advertisement is "bumpable" or "non-bumpable" and the advertisement's priority for selection, such as that taught

by Bates et al. in order to ensure that particular advertisements within a video data stream are viewed by a user (Bates et al. col. 2, l. 1-4).

Referring to claim **3**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 1, further comprising a step for notifying an individual when the requested impression goal for the advertising campaign exceeds the available advertising inventory (Carruthers et al. p. 2, paragraph 25).

Referring to claims **4**, **10**, and **20**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claims 1 and 13, further comprising a step for booking multiple advertising campaigns within the same timeframe and target. Carruthers et al. further discloses prioritizing and weighting advertisements for display in order to meet the goal of each active advertising campaign (p. 3, paragraphs 32-34). Carruthers et al. does not disclose prioritizing and weighting the advertisements for display locally. Zigmond et al. discloses advertisement parameters and ad selection criteria with advertisements for determining when to display an advertisement stored locally (col. 11, l. 31-55). Zigmond et al. further discloses that updated versions of the ad selection rules can be delivered to the receiver (col. 11, l. 66-67 & col. 12, l. 1-14). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Carruthers et al. to include targeting and inserting locally stored advertisements during particular programs and transmitting statistics about which advertisements have been seen to an operator of an advertising source, such as that taught by Zigmond et al. in order to provide a system for tailoring advertisements to the interests and needs of viewers and inserting the advertisements at a more local level (Zigmond et al. p. 5, l. 6-12). The combination of Carruthers et al. and Zigmond et al. does not specifically teach prioritizing and weighting

advertisements for display in a local setting. Bates et al. discloses prioritizing "non-bumpable" and "bumpable" commercial advertisements according to prices paid by an advertiser, so that a receiver knows which advertisement to display (col. 6, l. 55-67). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the priority assignments of Carruthers et al. and the updatable local ad selection criteria of Zigmond et al. in the combination of Carruthers et al. and Zigmond et al. to include local priority assignments, such as that taught by Bates et al. in order utilize the technology present in set-top boxes and receivers to enhance the efficiency of advertisements within a video data stream (Bates et al. col. 1, l. 55-58).

Referring to claims **5** and **6**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 4, further comprising a step for overbooking one or more entries in the schedule of the available advertising inventory (setting a campaign goal that exceeds available advertising inventory projections) and a step for resolving a conflict between the requested impression goal and the available advertising inventory (identifying and suggesting which constraints could be relaxed in order to achieve campaign goals)(Carruthers et al. p. 2, paragraph 25).

Referring to claims **7** and **17**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claims 1 and 13, respectively, of targeting a viewer by at least one of advertisement location data, market area data, demographic data, geographic data, time data, date data, and data indicative of a time interval that the advertisement is active (see the relevant passages from Zigmond et al. cited in the rejection of claim 1 above).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **8** and **18**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches the method/computer program product as recited in claims 1 and 13, respectively, further comprising a step for defining the advertisements as either a committed advertisement or a flexible advertisement (see the relevant passages from Bates et al. cited in the rejection of claim 1 above).

Referring to claims **9** and **19**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches the method/computer program product as recited in claims 1 and 13, respectively, further comprising a step for weighting the advertisement, the weighting defining the frequency of display of the advertisement (see the relevant passages from Bates et al. cited in the rejection of claim 1 above).

Referring to claim **11**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 1, wherein the step for receiving historical data comprises a step for receiving historical data from a control module remote from the planning module (Carruthers et al. p. 3, paragraph 29 & p. 4, paragraph 41).

Referring to claim **12**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 1, wherein the step for retrieving schedule data comprises a step for retrieving, from a control module, the schedule data, the control module being remote from the planning module (this limitation is met by the citation noted in the rejection of claim 11 above).

Referring to claims **21**, Carruthers et al. discloses a method for weighting scheduled advertisements in a system, including at least one processor, configured to schedule the display of an advertisement from an available advertising inventory of advertising impressions, the method comprising:

- a step for identifying one or more advertising impression goals for the display of advertisements in one or more advertising campaigns to at least one target viewer (p. 3, paragraphs 34, 35); and
- a step for defining a weight for the advertisement based upon the advertising impression goal and the available advertising inventory, the weight defining the display frequency of the advertisement to achieve the advertising impression goal (p. 3, paragraphs 34, 35), the weight further being indicated as one of an absolute weight (p. 3, paragraph 34) or a relative weight (p. 5, paragraph 73).

Carruthers et al. does not disclose that a receiver computing system, which receives the advertisement, selectively displays advertising content based at least in part on the weight of the advertisement, whether the advertisement was committed or flexible, wherein committed advertisements guarantee an impression frequency and flexible advertisements are selectively displayed within remaining available advertising inventory, target data and the absolute and relative weights of other advertising content having also been received by the receiver computing system, and on current viewer characteristics, the characteristics comprising time and geographic location.

Zigmond et al. discloses periodically delivering a plurality of advertisements (p. 14, l. 19-22 & Fig. 5) with advertisement selection criteria indicating that an advertisement is to be shown

during a particular program (p. 17, l. 5-6 & p. 18, l. 3-13), selecting a stored advertisement according to the selection criteria, displaying the advertisement (p. 24, l. 29-31 & p. 25, l. 1-5), monitoring the viewer response to the advertisement (p. 25, l. 6-8), compiling the viewer response statistics, and reporting the statistics to the operator of the advertisement source (p. 19, l. 14-15 & p. 25, l. 12-16). Zigmond et al. further discloses collecting viewer and system information for characterizing a user including the geographical location of the household, demographic information, and viewing habits, such as times of day that programming is watched by the viewers (p. 14, l. 27-30; p. 15, l. 8-18, 30-31; & p. 16, l. 1-10). Ad selection rules are used to match the viewer and system information with the advertisement parameters associated with advertisements (p. 16, l. 11-28 & p. 17, l. 15-21). Zigmond et al. still further discloses that ad selection criteria can be based on a guaranteed number of exposures that advertisers have paid for (p. 21, l. 5-6). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Carruthers et al. to include targeting and inserting locally stored advertisements during particular programs and transmitting statistics about which advertisements have been seen to an operator of an advertising source, such as that taught by Zigmond et al. in order to provide a system for tailoring advertisements to the interests and needs of viewers and inserting the advertisements at a more local level (Zigmond et al. p. 5, l. 6-12). The combination of Carruthers et al. and Zigmond et al. does not specifically teach that the receiver selectively displays advertising content, based at least in part on the weight of the advertisement, whether the advertisement was committed or flexible, wherein committed advertisements guarantee an impression frequency and flexible advertisements are selectively

displayed within the remaining available advertising inventory, and the absolute and relative weights of other advertising content having also been received to the receiver computing system.

Bates et al. discloses storing particular commercial advertisements for substitution back into a video data stream in place of an alternate commercial advertisement in order to ensure that a particular commercial advertisement is viewed by a user (col. 5, l. 14-23). Commercial advertisements, which may be stored and moved within the video data stream, are referred to as "bumpable" advertisements (col. 5, l. 23-29). Additionally, advertisements are created, which are not "bumpable" and which may not be stored and subsequently reintroduced into the video data stream (col. 5, l. 29-32). Bates et al. further provides an example of four advertisers (Pizza (P), Circus (C), Jeweler (J), and Beer (B) that are interested in purchasing commercial advertisements during a video program. The Pizza advertiser purchases a "non-bumpable" commercial advertisement and the rest buy "bumpable" commercial advertisements (col. 5, l. 39-67 & col. 6, l. 1-67). Bates et al. further discloses providing a higher priced "non-bumpable" commercial advertisement category, which "bumps" all other commercial advertisements once those "bumpable" commercial advertisements have been viewed some predetermined number of times (col. 6, l. 55-59). Since this advertisement category "bumps" all other commercial advertisements, the examiner interprets this type of advertisement as having an assigned absolute weight. Bates et al. further discloses a low cost "bumpable" commercial advertisement category that could be "bumped" by any commercial advertisement once it has been viewed at least once (col. 6, l. 60-63), and a higher priced "bumpable" commercial advertisement category having a higher priority of selection for available slots in the event multiple "bumpable" commercial advertisements have not been seen (col. 6, l. 63-67). Since this type of "bumpable"

advertisement would be selected for display based on its assigned priority of selection, the examiner interprets this type of advertisement as having an assigned relative weight. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the advertisement parameters of the locally stored advertisements in the combination of Carruthers et al. and Zigmond et al. to include an indication of whether the advertisement is "bumpable" or "non-bumpable" and the advertisement's priority for selection, such as that taught by Bates et al. in order to ensure that particular advertisements within a video data stream are viewed by a user (Bates et al. col. 2, l. 1-4).

Referring to claim **22**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 21, further comprising a step for identifying available advertising inventory from a total advertising inventory (Carruthers et al. p. 3, paragraph 39).

Referring to claim **23**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 21, further comprising a step for defining the advertisement as either a committed advertisement or a flexible advertisement (see the relevant passages from Bates et al. cited in the rejection of claim 21 above).

Referring to claim **24**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 22, wherein the step for defining the weight comprises a step for defining the weight as either an absolute weight or a relative weight (see the relevant passages from Bates et al. cited in the rejection of claim 21 above).

Referring to claims **25**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 23, wherein the weight for the committed advertisement can be used as either an absolute weight or a relative weight (see the relevant passages from

Bates et al. cited in the rejection of claim 21 above. The examiner notes that "non-bumpable" commercial advertisements may be purchased so that they are shown in particular commercial breaks. The examiner interprets this to be a relative weight. A higher priced "non-bumpable" commercial advertisement can also be purchased, which "bumps" all other commercial advertisements once those "bumpable" commercial advertisements have been viewed some predetermined number of times. The examiner interprets this to be an absolute weight).

Referring to claims **26**, the combination of Carruthers et al. and Zigmond et al. teaches a method as recited in claim 22, wherein the weight for the flexible advertisement is a relative weight (see the relevant passages from Bates et al. cited in the rejection of claim 21 above. The examiner notes that "bumpable" commercial advertisements can be moved around in a video data stream according to an assigned priority).

Referring to claim **32**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 21, wherein identifying an advertising impression goal for the display of an advertisement to at least one target viewer is part of an advertising campaign and wherein the advertising campaign is only one of one or more advertising campaigns (Carruthers et al. p. 2, paragraph 23), wherein the method further includes:

- a step for defining one or more target attributes for the one or more advertising campaigns, each advertising campaign of the one or more advertising campaigns comprising a unique combination of the one or more attributes (Carruthers et al. p. 2, paragraph 23 & p. 3, paragraph 29);

Carruthers et al. further discloses prioritizing and weighting advertisements for display in order to meet the goal of each active advertising campaign (p. 3, paragraphs 32-34). Carruthers et al.

does not disclose prioritizing and weighting the advertisements for display locally. Zigmond et al. discloses advertisement parameters and ad selection criteria with advertisements for determining when to display an advertisement stored locally (col. 11, l. 31-55). Zigmond et al. further discloses that updated versions of the ad selection rules can be delivered to the receiver (col. 11, l. 66-67 & col. 12, l. 1-14). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Carruthers et al. to include targeting and inserting locally stored advertisements during particular programs and transmitting statistics about which advertisements have been seen to an operator of an advertising source, such as that taught by Zigmond et al. in order to provide a system for tailoring advertisements to the interests and needs of viewers and inserting the advertisements at a more local level (Zigmond et al. p. 5, l. 6-12). The combination of Carruthers et al. and Zigmond et al. does not specifically teach prioritizing and weighting advertisements for display in a local setting. Bates et al. discloses prioritizing "non-bumpable" and "bumpable" commercial advertisements according to prices paid by an advertiser, so that a receiver knows which advertisement to display (col. 6, l. 55-67). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the priority assignments of Carruthers et al. and the updatable local ad selection criteria of Zigmond et al. in the combination of Carruthers et al. and Zigmond et al. to include local priority assignments, such as that taught by Bates et al. in order utilize the technology present in set-top boxes and receivers to enhance the efficiency of advertisements within a video data stream (Bates et al. col. 1, l. 55-58).

Referring to claim **33**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 32, wherein each of the one or more target attributes

defines a dimension of a multidimensional storage structure (Carruthers et al. discloses that constraints defining targeted advertising could include increasing the campaign length, reducing the number of requested impressions, or relaxing the profile constraints. Each of these constraints meets the limitation of target attributes defining a dimension of a multidimensional storage structure)(Carruthers et al. p. 3, paragraph 29).

Referring to claim **34**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 32, wherein each of the one or more target attributes is selected from the group consisting of a date attribute, a time attribute, a market area attribute, an advertising space attribute, or an advertising type attribute (Carruthers et al. p. 2, paragraph 23 & p. 3, paragraph 29).

NOTE: The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **35** and **36**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 32, wherein the step for defining the weight comprises:

- a step for defining an advertising impression goal for an advertising campaign of the one or more advertising campaigns;
- a step for identifying a total advertising inventory of advertising impressions for the unique combination of the one or more target attributes for the advertising campaign of the one or more advertising campaigns (Carruthers et al. p. 3, paragraph 28); and

- a step for calculating the weight for the advertising campaign based upon the advertising impression goal and the total advertising inventory (see cited passages and explanation regarding claim 32).

Referring to claims **37** and **38**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claims 35 and 36, respectively, further comprising steps for identifying a conflict between the advertising impression goal and a total available advertising inventory for the unique combination of the one or more target attributes for the advertising campaigns (Carruthers et al. p. 3, paragraphs 34 and 35) and adjusting the weight for the advertising campaign to resolve the conflict between the advertising impression goal and the total available advertising inventory (see cited passages and explanation regarding claim 32).

Referring to claim **41**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 36, further comprising a step for adjusting the advertising impression goal for a portion of the advertising campaign in conflict between the advertising impression goal and the total available advertising inventory (Carruthers et al. p. 2, paragraph 25).

Referring to claim **44**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 21, further comprising:

- a step for defining the advertisement as either a committed advertisement or a flexible advertisement, wherein the committed advertisement is an advertisement that an advertiser, which is independent of the receiver computing system, has committed to broadcasting as part of an advertising campaign, and wherein a flexible advertisement is an advertisement that operates as a filler

advertisement to be displayed when advertising inventory exists in excess of advertising utilized by the committed advertisement (see the relevant passages from Bates et al. and Carruthers et al. cited in the rejection of claim 21 above).

3. Claims **2**, **14-16**, **39-40**, and **42-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carruthers et al. in view of Zigmond et al., further in view of Bates et al., and still further in view of Cannon.

Referring to claims **2** and **14**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claims 1 and 13, respectively. The combination of Carruthers et al., Zigmond et al., and Bates et al. further discloses a Dynamic Campaign Manager component 50 that provides a portal to a system for advertisers to initiate and manage their advertising campaigns (Carruthers et al. p. 2, paragraph 22). The combination of Carruthers et al., Zigmond et al., and Bates et al. does not teach displaying a schedule of available advertising inventory to an advertiser via a graphical user interface. Cannon discloses a graphical user interface 125 that provides access to a database mining engine (DME) 126, 127, that provides an opportunity for a media planner to distribute advertisements over time or space based on actual or anticipated individual or collective advertising exposure (col. 28, l. 22-31). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Carruthers et al., Zigmond et al., and Bates et al. to provide an advertiser with a graphical user interface such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (Cannon col. 3, l. 21-25).

Referring to claim **15**, the combination of Carruthers et al., Zigmond et al., Bates et al., and Cannon teaches a computer program product as defined in claim 14, wherein the computer readable medium further carries computer executable instructions for performing the step for notifying an individual utilizing the planning module when the requested impressions of one or more advertising campaigns exceeds the available advertising inventory (this limitation is met by the citation noted in the rejection of claim 3 above).

Referring to claim **16**, the combination of Carruthers et al., Zigmond et al., Bates et al., and Cannon teaches a computer program product as defined in claim 14, wherein the computer readable medium further carries computer executable instructions for performing the step for overbooking one or more entries in the schedule of the available advertising impressions (this limitation is met by the citation noted in the rejection of claim 5 above).

Referring to claims **39** and **43**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 37. The combination of Carruthers et al., Zigmond et al., and Bates et al. further teaches changing the priority of an advertisement in order to meet a campaign goal (see cited passages and explanation regarding claim 32). The combination of Carruthers et al., Zigmond et al., and Bates et al. does not teach a step for adjusting a weight on a per attribute basis or adjusting a weight to resolve the conflict between an advertising impression goal and the total available advertising inventory. Cannon discloses five distinct indices that are scored and combined in order to generate an optimum advertising plan or schedule (col. 34, l. 15-33). Cannon further discloses making incremental modifications to a schedule to more closely meet media objectives (col. 31, 60-65), such as by generating an optimum advertising plan from demographic data, while excluding advertising spot timing (col.

34, l. 30-41). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Carruthers et al. and Zigmond et al. to include distinct indices that are scored and combined in different combinations to generate an optimum advertising plan such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (Cannon col. 3, l. 21-25).

Referring to claims **40** and **42**, the combination of Carruthers et al., Zigmond et al., and Bates et al. teaches a method as recited in claim 37. The combination of Carruthers et al., Zigmond et al., and Bates et al. does not teach a step for adjusting a weight, comprising:

- a step for separating the advertising campaign into a plurality of sub-advertising campaigns and a sub-advertising impression goal;
- a step for adjusting the sub-weight/sub-advertising impression goal of one or more of the plurality of sub-advertising campaigns so that the sub-advertising impression goal of the sub-advertising campaign is equal to or less than the total available advertising inventory for the sub-advertising campaign; and
- a step for verifying that the aggregate of all sub-advertising impression goals is substantially equal to the overall advertising impression goal of the advertising campaign.

Cannon discloses summing advertising index scores into individual subtotals (the examiner notes that targeting an individual according to index scores meets the limitations of a "sub-advertising campaign")(col. 67, l. 45-55), optimizing an advertising plan according to characteristics of each person (this meets the limitation "each sub-advertising campaign comprising a sub-weight")(col.

67, l. 30-45 & Fig. 41), and valuing certain amounts of exposures, frequency of exposures, and timing of exposures more than others, thereby optimizing an advertising schedule (this meets the limitation of a "sub-advertising impression goal)(col. 67, l. 9-29; col. 68, l. 45-64; & Fig. 35). Cannon further discloses identifying targeted groups that are over-exposed to advertisements, identifying spots to which the group is collectively exposed, and eliminating them from the schedule during the optimization process (this meets the limitations of "adjusting the sub-weight/sub-advertising impression goal so that the sub-advertising impression goal of the sub-advertising campaign is equal to or less than the total available advertising inventory for the sub-advertising campaign.")(col. 60, l. 30-33). Lastly, Cannon discloses computing the total value of an audience to an advertiser, the value of which is used by the advertiser to optimize an advertising plan or schedule for a target group (col. 62, l. 56-67 & col. 63, l. 16-20). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Carruthers et al. and Zigmond et al. to include steps for summing advertising index scores into individual subtotals, optimizing an advertising plan and schedule according to the characteristics of each person, eliminating targeted groups during the optimization process, and computing the total value of an audience to an advertiser, such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (Cannon col. 3, l. 21-25).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

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